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| SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202 | | | EXAMINER NGUYEN, MINH DIEU T | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2137 | |

DATE MAILED: 09/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/435,736

Applicant(s)

REISMAN, ARTHUR

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
4a) Of the above claim(s) 1, 12, 15 and 25 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 2-11, 13, 14, 16-24 and 26-45 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication dated June 14, 2005 with the amendments to claims 10, 33, 36, 38, 40 and 43-45, and the cancellation of claims 1, 12, 15 and 25.

Response to Arguments

2. Applicant's arguments with respect to claims 2-11, 13-14, 16-24 and 26-45 have been fully considered but are moot in view of the new ground(s) of rejection. Applicant's arguments focus on the combination of features introduced by the amendment with elements that already existed in the claims. The new material is rendered obvious by Brendel (6,772,333), Gregget al. (6,516,416), Scheiner (Applied Cryptography) and Johnson et al. (5,923,885).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 13-14, 23, 26-32, 34-41 and 44-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Brendel (6,772,333).

a) As to claims 36 and 39-40, Brendel discloses a system and method for load balancing among servers when both clear text and encrypted sessions in e-Commerce web sites from one client are assigned to a same server (col. 13, lines 9-18) comprising a) a browser on the first computing device providing a Web page to a user (i.e. clients interact with servers over the Internet via web browsers and web servers, col. 1, lines 13-23), the Web page comprising at least first and second input fields for input from the user and at least a first presentation field associated with the at least first (i.e. credit card) and second (i.e. purchased items) input fields (col. 10, lines 21-34); b) a program on the first computing device receiving a message from the user (col. 11, lines 46-47), wherein the message comprises at least a first and a second datum input by the user into the at least first and second input fields, respectively, of the Web page, wherein the first datum (i.e. credit card information) is confidential to the user and the second datum (i.e. purchased items) is non-confidential to the user; c) the program identifying that the first datum is confidential and the second datum is non-confidential (i.e. acknowledging that only financial information such as credit card information may be encrypted, col. 1 lines 37-42); d) the first computing device communicating to the second computing device over an untrusted network, the first datum with encryption and e) the first computing device communicating to the second computing device over the

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untrusted network, the second datum without encryption wherein steps (d) and (e) occur at least substantially simultaneously (col. 1, lines 53-58).

b) As to claims 44 and 45, Brendel discloses a system and method for load balancing among servers when both clear text and encrypted sessions in e-Commerce web sites from one client are assigned to a same server (col. 13, lines 9-18) comprising at a first computing device, receiving input information from a Web page displayed to a user (i.e. clients interact with servers over the Internet via web browsers and web servers, col. 1, lines 13-23), the input information comprising at least first (i.e. credit card number) and second datum (i.e. purchased items) corresponding respectively to at least first and second user input fields (col. 10, lines 21-34); at the first computing device, a program determining which of the at least first and second user input fields contains confidential information (col. 11, lines 46-47), wherein the first datum is confidential to the user and the second datum is not confidential to the user (i.e. the determination is made by encrypting the confidential data, credit card number, and not encrypting non-confidential data, purchased items. This determination also reflects on acknowledging that the load on the server machine can be reduced by limiting the amount of data that is encrypted before being sent over the Internet, col. 1, lines 35-37); the first computing device communicating the first datum of the message to a second computing device with encryption of the first datum and the first computing device communicating the second datum of the message over an untrusted network to the second computing device without encryption of the second datum (col. 1, lines 53-58).

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c) As to claims 13-14 and 26-27, Brendel discloses the step for the first computing device to communicate the encrypted and non-encrypted data with the second computing device through the Web browsers in which the credit card number is encrypted and purchased items are non-encrypted (col. 10, lines 21-34).

d) As to claim 23, Brendel discloses the second computing device employs the procedure to encrypt the first datum for communication of the first datum of the message from the second computing device to the first computing device (col. 10, lines 32-34).

e) As to claim 28, it has the same limitations as claim 44, further the computer readable program code reads on any matter for carrying software.

f) As to claim 29, Brendel discloses the method wherein the first datum is confidential information to a user (i.e. credit card number, col. 10, lines 32-34) and the second datum is non-confidential information to the user (i.e. purchased items, col. 10, lines 23-30).

g) As to claims 30 and 34, Brendel discloses the method further comprising:

i) receiving the message from a user, the message comprising a plurality of input fields (i.e. web pages for selecting product for purchase and for entering the credit card information, col. 10, lines 21-34).

ii) determining each input field comprising confidential information to the user and each input field comprising non-confidential information to the user, wherein the first datum (i.e. credit card number) is confidential information and the second datum (i.e. purchased items) is non-confidential information (col. 1, lines 37-42).

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h) As to claims 31 and 41, Brendel discloses the method wherein the communicating steps occur at least substantially simultaneously (col. 1, lines col. 1, lines 53-58).

i) As to claims 32 and 35, Brendel discloses the method wherein the communicating steps comprise:

i) encrypting the information in each of the input fields identified as comprising confidential information (col. 1, lines 53-56).

ii) not encrypting the information in each of the input fields identified as comprising non-confidential information (col. 1, lines 56-58).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-7, 11, 16-20, 24, 37 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel (6,772,333) in view of Gregg et al. (6,516,416).

a) As to claims 2, 16, 37 and 42, Gregg discloses the step of communicating the first datum of the message with encryption of the first datum and the step of communicating the second datum of the message without encryption of the second datum comprise the step of communicating the first datum with encryption and the

second datum without encryption in a same packet that comprises the message (Fig. 2, element 3).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of communicating the encrypted first datum and un-encrypted second datum in a same packet in the system of Brendel, as Gregg teaches so as to effectively transmit communication data.

b) As to claims 3 and 17, Gregg discloses the step of communicating the first datum of the message with encryption of the first datum and the step of communicating the second datum of the message without encryption of the second datum comprise the steps of communicating the first datum with encryption in a first packet of the message and communicating the second datum without encryption in a second packet of the message different from the first packet of the message (Fig. 18, element 150; col. 17, lines 42-45).

c) As to claims 4-5, 11, 18-19 and 24, Gregg indicates the same path comprising TCP/IP passage (col. 5, lines 56-61) is used for encrypted and non-encrypted data communications between first computing device and the second computing device. Moreover the system is designed to use the interactive model of the WWW for client server transactions on the Internet (Abstract).

d) As to claims 6, 7 and 20, Gregg shows password and digital ID are encrypted by a key (col. 17, lines 32-34) and the key is communicated from the second computing device to the first computing device (col. 17, lines 32-35).

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7. Claims 8-9 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel (6,772,333) in view of Schneier (Applied cryptography).

Brendel does not disclose a second key is employed to decrypt the first datum of the message and the first and second key comprised a matched key to communicate the encrypted data.

Schneier discloses communications using symmetric cryptography wherein the second key is used to decrypt the encrypted message (page 28, item (5)) and the first (page 28, item (3)) and second key comprised a matched key (page 28, item (5)) to communicate the encrypted data.

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of a second key to decrypt the first datum of the message and the first and second key comprised a matched key to communicate the encrypted data in the system of Brendel, as Schneier teaches so as to protect the sensitive data.

8. Claims 10, 33, 38 and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brendel (6,772,333) in view of Johnson et al. (5,923,885).

a) As to claims 10 and 38, Brendel discloses the web page comprises hypertext markup language (col. 12, lines 14-17), wherein the first datum comprises the credit card number (col. 10, lines 32-34), wherein the second datum comprises information related to a purchase by the user (col. 10, lines 23-27).

Brendel implicitly discloses the program (col. 1, lines 37-42) is embedded in the Web page and is loaded (col. 12, lines col. 12, lines 18-22).

Johnson et al. discloses method and software for dynamically modifying computer interfaces so that users can access and operate software distributed across a computer network using software application, more particularly the applet software that is downloaded from the server to client (col. 6, lines 33-49; col. 11, lines 35-64).

It would have been obvious to one of ordinary skill in the art at the time of the invention to employ the use of embedding the program in the web page and loading the program on the first computing device after the Web page is received in the system of Brendel, as Johnson teaches so as to create dynamic Web applications.

b) As to claims 33 and 43, please see above addressed claims 10 and 38.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873. The examiner can normally be reached on M-F 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

Minh Dieu Nguyen.
Examiner
Art Unit 2137



mdn
9/7/05


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER